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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,292	06/01/2006	Maria Teresa Belmar	T7105(C)	3161

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EXAMINER

LAMM, MARINA

ART UNIT	PAPER NUMBER
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1617

MAIL DATE	DELIVERY MODE
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01/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,292	Applicant(s) BELMAR ET AL.	
	Examiner Marina Lamm	Art Unit 1617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1-12 are pending in this application filed 6/1/06, which is a 371 of PCT/EP04/13225, filed 11/19/04, which claims priority to EPO application No. 03257648.0, filed 12/4/03. Acknowledgment is made of the preliminary amendment filed 6/1/06.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by either Farrell et al. (US 6,630,432) or Crookham et al. (US 6,576,228).

Farrell et al. teach soap bars comprising 7-20% of water; 40-95% of C₁₂-C₂₄ fatty acid neutralized by an inorganic base such as NaOH (i.e. fatty acid soap); 0-15% of monoglyceride (e.g. glycerin monostearate or monolaurate); and 0-15% of free fatty acid. See Abstract; col. 2, lines 28-54; col. 3, lines 51-65; col. 4, lines 25-51. The soap bars of Farrell et al. contain additional functional ingredients such as alpha-hydroxy acid salts, which possess humectant properties. See col. 1, lines 15-22; col. 4, lines 6-22. The bars of Farrell et al. are hydrated with water to form a cleansing composition, which usually takes place at room temperature.

Crookham et al. teach personal wash compositions in the form of bars which deposit high levels of sunscreens on the skin, such compositions containing 1-15% of water; 20-85% of a fatty acid soap and 0-15% of free fatty acid; 0-40% of glycerin monostearate; and other cosmetic additives. See Abstract; col. 3, lines 20-52; col. 5, lines 10-20; col. 8, lines 54-67; col. 9, lines 55-58; col. 10, lines 46-48. The bars of Crookham et al. are hydrated with water to form a wash composition, which usually takes place at room temperature.

Thus, either Farrell et al. or Crookham et al. teach each and every limitation of Claims 1, 3-8, 10 and 11.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farrell et al. (US 6,630,432).

Farrell et al. applied as above. With respect to Claim 2, Farrell et al. do not teach the claimed concentration of the neutralized fatty acid. However, determination of optimal or workable concentration of the neutralized fatty acid by routine experimentation is obvious absent showing of criticality of the claimed concentration. One having ordinary skill in the art would have been motivated to do this to obtain the

desired cleansing and lathering properties of the composition. With respect to Claim 9, the bars of Farrell et al. are prepared by heating the ingredients until molten at about 80° C and then cooling, milling and extruding the resultant soap. See col. 3, lines 5-36. The reference does not explicitly teach the claimed cooling temperature of below 40° C. However, determination of optimal or workable cooling temperature by routine experimentation is obvious absent showing of criticality of the claimed parameter. One having ordinary skill in the art would have been motivated to do this to obtain the desired consistency of the composition suitable for further milling and extruding. With respect to Claims 12, the reference does not explicitly teach the claimed ratio of the composition to the aqueous base. However, determination of optimal or workable ratio by routine experimentation is obvious absent showing of criticality of the claimed ratio. One having ordinary skill in the art would have been motivated to do this to obtain the desired cleansing and lathering properties of the composition.

5. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crookham et al. (US 6,576,228).

Crookham et al. applied as above. With respect to Claim 2, Crookham et al. do not teach the claimed concentration of the neutralized fatty acid. However, determination of optimal or workable concentration of the neutralized fatty acid by routine experimentation is obvious absent showing of criticality of the claimed concentration. One having ordinary skill in the art would have been motivated to do this to obtain the desired cleansing and lathering properties of the composition. With

respect to Claims 12, the reference does not explicitly teach the claimed ratio of the composition to the aqueous base. However, determination of optimal or workable ratio by routine experimentation is obvious absent showing of criticality of the claimed ratio. One having ordinary skill in the art would have been motivated to do this to obtain the desired cleansing and lathering properties of the composition.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Conclusion

6. No claim is allowed at this time.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Lamm whose telephone number is (571) 272-0618. The examiner can normally be reached on Mon-Fri from 11am to 7pm.

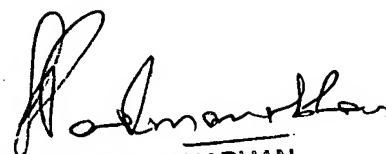
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, can be reached at (571) 272-0629.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system,
contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Lamm, M.S., J.D.
Patent Examiner
1/5/08


SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER